REMARKS

Claims 1-17 are pending in the application. Original claims 1-7 have been amended and new claims 8-17 have been added. No new matter has been added.

Applicant gratefully acknowledges the courtesy of Examiner Tran for granting a telephonic interview with Applicant's representative on December 18, 2002.

As discussed during the interview, the use of the term "information" in relation to content (i.e., information on information servers), categorization of the content (i.e., categorization information) and responses to search queries (i.e., responsive information) was causing confusion in interpretation of the claims. To clarify this issue, Applicant has amended claims 1-7 such that "content" relates to material to be searched, "categorization" relates to what category of interest the content belongs to, and a "response" relates to information responsive to a search query.

Claim Objections

The misspelled term "retuning" in claims 5-7 has been corrected by the present amendment.

Claim Rejections - 35 USC §102

Claims 1-3 and 5-6 were rejected under 35 USC §102(e) as being anticipated by the earlier-filed patent to Frauenhofer. To anticipate a claim, the reference must teach every element of the claim:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The **identical invention** must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). **The elements must be arranged as required by the claim**, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). *(Emphasis added)*

The system and method of Frauenhofer, as discussed during the interview, has a similar goal to the presently claimed invention: to provide end users with a subset of information distributed across a computer network. In regard to providing desired content from networked content providers, Frauenhofer recognizes that "One difficulty in providing the information is that the information is being created in many different places." However, Frauenhofer subscribes

to a model of content delivery based on *centralized content aggregation* and *centralized indexing/categorization* such that "Another aspect of the problem is the actual matching process, comprising matching *the collected and categorized content* with an individual user's interests."

The deficiencies of a search model using centralized content aggregation and categorization was discussed in Applicant's application at page 1, line 13 to page 2, line 14:

> Internet searching is now the subject of much activity as well as research. Search engines for both general and specific purposes abound. For example, search engines from such websites as Yahoo.com, Excite.com, Lycos.com, Northernlight.com, all attempt to build an index of the world wide web by accumulating website information in a centralized database on a centralized computer system. Thus, any of these systems involves literally indexing tens of millions of pages of information in order to allow a search against that information be accomplished. Thus, when a user desires to find specific information, the selected search engine must search its centralized index database. Further, the centralized database must continue to update its database of web pages or other computerized information in order to be current and accurate in the searching that is performed. Obviously this inefficiency results in a difficult and computationally expensive task.
>
> Because of the structure of the centralized indexed database, search engines are relatively static and do not receive instantaneous updates of information on individual websites as those websites change. In addition, as new websites become active on the Internet or as websites become inactive, search engines do not necessarily pick up this fact leading to the reporting of results for websites that may no longer be present on the web and missing the results from new websites.
>
> Search engines also will never be able to contain all information from all websites. This necessarily leads to searches which are not complete and result in missed websites and information. Finally, certain search engines can be manipulated to deliver preferred websites. Thus, an individual user searching the web may not receive the best websites but will receive websites which the particular search engine prefers."

Figures 1-2 and col. 3, lines 20-30 of Frauenhofer illustrate the centralized nature of that system, in which all content, even from internal sources 15, is sent to system server 10 for categorization into channels before being delivered to the user 16.

The presently claimed invention differs from this centralized content aggregation and centralized categorization model in multiple ways:

- Content remains at the source (i.e., on information servers) and is not aggregated;
- Categorization is of information servers' general contents, not any specific content (i.e., there is no categorization of specific content, either centralized or decentralized);

- Categorization (of information servers) is not centralized, but rather is distributed since information servers perform self-categorization;
- Categorization of queries is not centralized, but rather is distributed since client software/users perform categorization;
- Searching (identification of material to be delivered) is not centralized since each information server searches themselves for responsive content;
- Searching is in "real-time" (i.e. instantaneous) since it is performed by the sources of the content; and
- Responses are not filtered since they are sent to the user from the source of the content.

With regard to claim 1, Frauenhofer fails to disclose each and every claim element:

"a plurality of information servers connected to a network and categorizing general content stored on themselves" is not disclosed since the content sources of Frauenhofer do not perform any self-categorization of general contents;

"collecting and storing the categorization and network addresses of the information servers on at least one IBSP server" is not disclosed since the content sources of Frauenhofer have no categorization information to collect or store and Frauenhofer has no IBSP servers;

"transmitting the categorization and network addresses of the plurality of information servers from an IBSP server to broadcast server nodes over the network" is not disclosed since the content sources of Frauenhofer have no categorization to collect or store and Frauenhofer has no IBSP servers or broadcast servers - if the system server 10 is the IBSP server and the customer intranet server 14 is the broadcast server, then they still don't have any categorization transmitted between them and it is unclear how they perform the other claimed functions of these servers;

"accepting a query on a user node connected to the network" is not disclosed since users in Frauenhofer only register profiles (and one of skill in the art would recognize that a query is not the same as a profile);

"transmitting the query from the user node directly to a broadcast server over the network" is not disclosed since Frauenhofer has no queries or broadcast server;

"the broadcast server receiving and transmitting the user node query to the plurality of information servers" is not disclosed since Frauenhofer does not disclose sending user profiles to

sources - note that the system server cannot be considered "a plurality of information servers" as suggested during the interview under "broadest reasonable interpretation" since this interpretation of the claim is not consistent the specification (as required by MPEP 2111) in which the present invention is *clearly distinguished* from the prior art systems that use centralized aggregation of content;

"the information servers instantaneously searching themselves for specific content responsive to the user node query" is not disclosed since the sources of Frauenhofer do not perform any searching or receive any queries from users; and

"each of the plurality of information servers transmitting a response to the user node query to the user node when responsive content is found" since the sources of Frauenhofer have no responses to transmit.

With regard to claims 2-3 (as well as 4), these claims are allowable over Frauenhofer for at least those reasons cited with respect to independent claim 1, from which they depend.

With regard to claim 5, Frauenhofer fails to disclose each and every claim element:

"a plurality of information servers connected over a network, each comprising instructions for categorizing general content resident on the information servers to form a categorization and for transmitting their network address and categorization to an IBSP server" is not disclosed since the content sources of Frauenhofer do not perform any self-categorization of general contents;

"the IBSP server connected to the network and comprising instructions for receiving the network addresses and categorization from the information servers and for transmitting same to a plurality of user nodes connected to the IBSP server over the network" is not disclosed since the content sources of Frauenhofer have no categorization to transmit and Frauenhofer has no IBSP servers;

"the plurality of user nodes each comprising instructions for receiving the network addresses and categorization of the information servers from the IBSP server and for accepting and categorizing user queries" is not disclosed since the content sources of Frauenhofer have no categorization information to receive and Frauenhofer has no IBSP servers;

"the plurality of user nodes further comprising instructions for transmitting the user

nodes' network address and the categorized queries to the plurality of information servers with the same categorization as the query" is not disclosed since users in Frauenhofer only register profiles with a centralized server; and

"the information servers further comprising instructions for instantaneously searching themselves for specific content responsive to the categorized queries from the user nodes and returning a response to the categorized queries to the user nodes transmitting the categorized queries when content responsive to the categorized queries is found" is not disclosed since the sources of Frauenhofer do not perform any searching, do not receive any queries from users, and have no responses to transmit.

With regard to claim 6, Frauenhofer fails to disclose each and every claim element:

"a plurality of information servers connected over a network, each comprising instructions for categorizing general content resident on the information servers to form a categorization and for transmitting their network address and categorization to an IBSP server" is not disclosed since the content sources of Frauenhofer do not perform any self-categorization of general contents and Frauenhofer has no IBSP servers;

"the IBSP server connected to the network and comprising instructions for receiving the network addresses and categorization from the information servers and for transmitting same to a plurality of broadcast server nodes" is not disclosed since the content sources of Frauenhofer have no categorization to receive and Frauenhofer has no IBSP servers;

"a plurality of user nodes each comprising instructions for accepting and categorizing user queries" and "further comprising instructions for transmitting the user node's network address and the categorized queries to a broadcast server over the network" is not disclosed since users in Frauenhofer only register profiles with a centralized server where content is aggregated;

"a plurality of broadcast servers each comprising instructions for receiving the network addresses and the categorization of the information servers from the IBSP server" and "further comprising instructions for receiving the user nodes' network addresses and the categorized queries from the plurality of user nodes and for transmitting same to the plurality of information servers" is not disclosed since Frauenhofer has no reason to have broadcast servers or an IBSP servers due to its centralized structure and does not disclose sending user profiles to sources; and

"the information servers further comprising instructions for instantaneously searching

themselves for specific content responsive to the categorized queries from the user nodes and returning a response to the categorized queries to the user nodes transmitting the categorized queries when content responsive to the categorized queries is found" is not disclosed since the sources of Frauenhofer do not perform any searching, do not receive any queries from users, and have no responses to transmit.

Although the Examiner discussed during the interview that he believes single servers of Frauenhofer can perform multiple functions and that multiple servers in Frauenhofer can perform single functions, Applicant submits that this position is improper as verbally applied by the Examiner during the interview and that this position fails to anticipate the claimed limitations when the Examiner considers the same element to be mutually exclusive elements within the same claim, such as an elements that are required by the claim to transmit information to each other over a network (thereby being mutually exclusive).

Applicant therefore requests that any further interpretations of the prior art by the Examiner maintain element-to-element consistency throughout the interpretation.

Applicant further wishes to point out that when interpreting claims, MPEP 2111 states that claims must be "given the broadest reasonable interpretation **consistent with the specification**." In the present case, the specification clearly discloses the decentralized nature of the searching function such that to consider "a plurality of information servers" to include a centralized set of servers with a common database of aggregated content and which act in concert with each other is clearly an interpretation **inconsistent with the specification.**

For example, from page 1, line 13 to page 2, line 14 of the specification, the disadvantages of centralized search databases was discussed by applicant - they are inefficient, computationally expensive, are too static to be currently accurate, and can miss pages. In the objects of the invention on pages 4 and 5 of the specification, the applicant described efficiency and accuracy as objects of the invention and specifically stated "It is yet another objective of the present invention to conduct searching without the need to update any centralized database of information."

For the above-cited reasons, Applicant submits that Frauenhofer fails to teach or fairly suggest the limitations of claims 1-3 and 5-6, and respectfully requests reconsideration and allowance of the claims.

Claim Rejections - 35 USC §102

Claims 4 and 7 were rejected under 35 USC §103(a) as being obvious over Frauenhofer in view of Baker et al. (hereinafter, Baker). However, as discussed above with respect to anticipation, Frauenhofer does NOT disclose applicant's invention substantially as claimed with the exception of a firewall server, and Baker does not remedy any of the failings of Frauenhofer such that the combination of Frauenhofer and Baker fails to make a *prima facie* case of obviousness since the combination does not teach or suggest all the claim limitations. (See M.P.E.P. Section 2143).

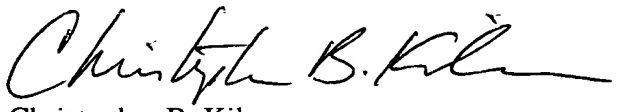
New Claims 8-17

Newly presented claims 8-17 are allowable for the same reasons discussed above with respect to claims 1-7.

Conclusion

For the reasons cited above, Applicants submit that claims 1-17 are in condition for allowance and requests reconsideration of the application. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below.

Respectfully submitted,



Christopher B. Kilner
Registration No. 45,381
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191-5302
(703) 391-2900